



THW
DAE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

PAUL D. GRAYSON *et al.*

PHB 34,173

Serial No. 09/124,426

Examiner: R. NGO

Filed: JULY 29, 1998

Art Unit: 2664

Title: WIRELESS NETWORKED DEVICE INSTALLATION

Commissioner for Patents
Alexandria, VA 22313

Petition To Revive Unintentionally Abandoned Patent Application
Under 37 CFR §1.137(b)

Sir:

Applicant hereby petitions to revive of the above-identified patent application in order to pay the issue fee. The issue fee as authorized by the enclosed issue fee transmittal form together with a full set of drawings, accompanies this petition.

Applicant timely sent the issue fee transmittal form PTOL 85B to the Patent Office, with a signature at the bottom authorizing payment of the issue fee, but unintentionally failed to fill in the deposit account number in part 4b. Applicant received the post card receipt for the issue fee transmittal dated by the Patent Office on February 12, 2001.

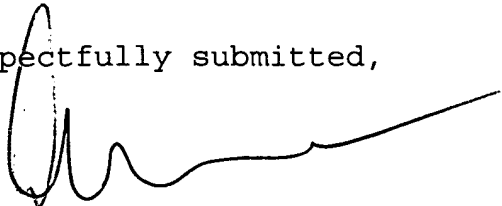
Petitioner received a notice of abandonment on April 25, 2001 stating only that the issue fee had not been received. Applicant believed that the issue fee transmittal had been lost by the Patent Office and thus transmitted a "Petition to Withdraw Notice of Abandonment..." on May 24, 2001 along with a copy of the original issue fee transmittal and the post card receipt.

On March 23, 2005, the petitioner received a decision by the Patent Office denying the applicant's "Petition to Withdraw Notice of Abandonment ...".

Please charge my deposit account 14-1270 in the amount of \$1370 under §1.17(m)(1), for filing this petition for revival of an unintentionally abandoned application.

The entire delay from the due date of the reply until the filing of this petition was unintentional.

Respectfully submitted,


By _____
Daniel J. Piotrowski,
Reg. 42,079
Patent Attorney
(914) 333-9624

CERTIFICATE OF MAILING

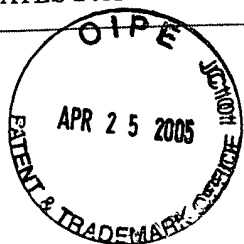
I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER OF PATENTS
Alexandria, VA 22313

On April 22, 2005
By Edna Chapa



UNITED STATES PATENT AND TRADEMARK OFFICE



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BRIARCLIFF MANOR, NY 10510

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MAR 23 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of
Paul D. Grayson
Application No. 09/124,426
Filed: July 29, 1998
Attorney Docket No. PHB-34.173

MAR 23 2005
3/29/05

This is a decision on the petition under 37 CFR 1.137(b), filed November 8, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item 1.

A Notice of Allowance and Fee(s) Due requiring the issue fee and a Notice of Allowability requiring corrected drawings were mailed on December 19, 2000. It is noted that on May 29, 2001 petitioner submitted a copy of a post card acknowledging receipt of 5 sheets of formal drawing and the Issue Fee on February 12, 2001. Petitioner provided a copy of the Issue Fee Transmittal, but did not include a copy of the corrected drawings. However, based on the copy of the Issue Fee Transmittal provided and a review of the record, it was established that petitioner failed to provide a method for paying the issue fee on February 12, 2001. To date, the issue fee has not been paid and a copy of the corrected drawings have not been provided.

In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Accordingly, the application cannot be revived until a proper response to the Notice of Allowance/Allowability mailed December 19, 2000 is filed.

Applicant should note that effective December 8, 2004 the issue fee was increased to \$700 for a small entity and \$1,400 for a large entity. Since the issue fee is being paid after December 8, 2004, applicant must pay the new amount. Also, if petitioner desires to have the information normally found on the PTOL-85b printed on the patent, then the copy enclosed should be completed and returned with the payment of the issue fee and any renewed petition under 37 CFR 1.137(b).

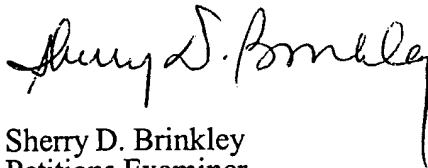
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop PETITION
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (703) 872-9306.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy